

Chapter 27.56

CAPITOL ENVIRONS DISTRICT

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27.56.010 Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the Capitol Environs District. (Ord. 12935 §1; June 9, 1980; prior Ord. 12571 §277; May 8, 1979).

27.56.015 Purpose.

The purpose of this chapter is to maintain and enhance the aesthetic quality, historic value, spiritual dignity, and physical dominance of the capitol over the cityscape; to foster pride in the beauty of the capitol and its environs by studying and publicizing their essential aspects; to provide a fit setting for the capitol by encouraging appropriate public improvements and private development, especially in the Capitol Environs District, and the maintenance of those improvements; and to protect views to the capitol by proposing regulations and guidelines for designated view corridors.

The Capitol Environs District and the view corridors are intended to be zoning overlay districts. (Ord. 14949 §1; August 15, 1988).

27.56.017 Definitions.

For the purpose of this chapter, certain terms and words are hereby defined, as follows:

(a) Capitol Square shall mean the state capitol and its four square block site, bounded by "K" Street on the north, "H" Street on the south, 14th Street on the west, and 16th Street on the east.

(b) Capitol Environs District shall mean the area indicated on the City of Lincoln Capitol Environs District Height Regulations Map.

(c) Capitol View Corridors shall mean those areas described in the 1977 Urban Design Plan for the Nebraska Capitol Environs as "Area 9: City View Corridors"; and "Area 10: Country View Corridors." (Ord. 14949 §2; August 15, 1988).

27.56.020 Boundaries of District Map.

The boundaries of the Capitol Environs District are shown upon a map which is made a part hereof by reference, and said map is designated the "City of Lincoln Capitol Environs District Height Regulations Map". That part of the map designating the different districts and their boundaries and that part of the legend designating the symbol title shall have the same force and effect as if they were all fully set forth herein. Other notations and references are for information only. (Ord. 12935 §2; June 9, 1980; prior Ord. 12571 §278; May 8, 1979).

27.56.025 Capitol View Corridor Overlay District; Boundaries; Map.

The boundaries of the Capitol View Corridor Overlay District are shown upon a map which is made a part hereof by reference, and said map is designated the "Capitol View Corridor Overlay Map." That part of the map designating the different districts and their boundaries and that part of the legend designating the symbol title shall have the same force and effect as if they were all fully set forth herein. Other notations and references are for information only. (Ord. 15442 §1; February 20, 1990).

27.56.030 Height of Buildings in Capitol Environs Area.

Notwithstanding the zoning on the property or the other rules and regulations of this title, there shall be established the following maximum heights for buildings and structures located in the shaded area on the Capitol Environs District Height Regulations Map.

(a) No building located within this district shall exceed the building height limit as shown on the Capitol Environs District Height Regulations Map, or the maximum building height permitted in the underlying zoning district, whichever is less.

(b) Any of the appurtenances listed in Section 27.71.020 of this title may not exceed twenty feet in height above the maximum permitted in subsection (a) hereof. In addition, all of said appurtenances must be set back a minimum of fifteen feet from all faces of a building when said faces are adjacent to a street. (Ord. 12935 §3; June 9, 1980; prior Ord. 12571 §279; May 8, 1979).

27.56.035 Regulation of Signs in Capitol View Corridor Overlay District.

Notwithstanding the underlying zoning or other rules and regulations of this title, there is hereby established the following regulations for off-premise signs and on-premise pole signs for properties located in the districts indicated on the Capitol View Corridor Overlay Map.

(a) No off-premise signs shall be permitted in the area designated District A.

(b) No off-premise signs or on-premise pole signs shall be permitted in the area designated District B.

(c) No off-premise signs shall be permitted in the area designated District C. On-premise pole signs shall be permitted in District C provided that the maximum height of such signs shall not exceed the height of the roadway surface of Capitol Parkway West. (The height of the roadway surface of Capitol Parkway West shall be calculated from the point on the roadway which is at a ninety degree angle from the roadway to the sign.) (Ord. 15442 §2; February 20, 1990).

27.56.040 Nebraska Capitol Environs Commission Created.

There is hereby created the Nebraska Capitol Environs Commission. The Nebraska Capitol Environs Commission shall consist of seven voting members and three ex officio, nonvoting members. (Ord. 14949 §3; August 15, 1988).

27.56.050 Membership.

The Nebraska Capitol Environs Commission membership shall be appointed by the Mayor with confirmation by the majority of the City Council and shall include five members with due consideration given to appointment of an architect, landscape architect, an urban planner, a real estate developer and a member of the public at large. The Nebraska Capitol Environs Commission membership shall also include two members to be appointed by the Governor of the State of Nebraska, at least one of whom shall be a resident of the City of Lincoln, Nebraska. The three ex officio (nonvoting) members of the commission shall be City of Lincoln Planning Director or his designee, the City of Lincoln Director of Parks and Recreation or his designee, and the Director of the Nebraska Department of Administrative services or his designee. Members are to be appointed for terms of three years, provided that of the members first taking office, one of the governor's appointees shall be appointed for a two-year term and the other shall be appointed for a three-year term; and one of the Mayor's appointees shall be appointed for a one-year term, two shall be appointed for two-year terms, and two shall be appointed for three-year terms. Members may serve for more than one term and each member shall serve until the appointment of a successor. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner as if at the beginning of the term, and the person appointed to fill the vacancy shall hold such office for the unexpired term. (Ord. 14949 §4; August 15, 1988).

27.56.060 Organization.

The Nebraska Capitol Environs Commission shall elect from among its own members a chairman and such other officers as it may deem necessary. The commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this chapter, which are not inconsistent with the laws of the city and the state. Four voting members shall constitute a quorum for the transaction of business and four affirmative votes shall be required for final action on any matter acted upon by the Nebraska Capitol Environs Commission. Members shall serve without compensation. The Nebraska Capitol Environs Commission shall meet at least quarterly, with more frequent meetings as called by the chairman or as required elsewhere in this chapter. (Ord. 14949 §5; August 15, 1988).

27.56.070 Secretary and Staff.

The Planning Director or his designee shall act as the nonvoting secretary to the Nebraska Capitol Environs Commission. The city, through the Planning Department, shall provide the commission with adequate staff to perform the duties prescribed under this chapter. (Ord. 14949 §6; August 15, 1988).

27.56.080 Attorney; Duties.

The City Attorney shall be the ex officio attorney for the commission and shall advise the commission and represent it in any and all legal disputes or court or administrative action. (Ord. 14949 §7; August 15, 1988).

27.56.090 Powers and Duties.

The powers and duties of the Nebraska Capitol Environs Commission shall be as follows:

- (a) Study and describe the essential vistas, landscape features, buildings, landmarks, and other aspects that contribute to or detract from the capitol, the Capitol Environs District, and the Capitol View Corridors, drawing upon past studies, especially the Urban Design Plan for the Nebraska Capitol Environs of 1977;
- (b) Consult with and consider the ideas and recommendations of groups including neighborhood and business organizations, public agencies, property owners, and other citizens interested in the capitol and the Capitol Environs District;
- (c) Review and advise on any city or state plans, budgets, or procedures affecting the capitol, the Capitol Environs District, and Capitol View Corridors;
- (d) Promote restoration and maintenance of the capitol grounds in accordance with the original design by Ernst Hemminghaus, as described in "Landscape Restoration Master Plan -- Nebraska State Capitol Grounds" of January 1985;
- (e) Develop and propose guidelines and review procedures for private and public improvements and maintenance on the twelve blocks adjacent to Capitol Square (bounded by "G" Street on the south, "L" Street on the north, 17th Street on the east, and 13th Street on the west), incorporating high standards of architecture, landscape architecture, urban design, historic preservation, and maintenance, as befits their location;
- (f) Develop and propose specific guidelines and review procedures for each of the four axes of the Capitol Environs District, mindful of the existing character and future potential of each area and consistent with the Lincoln-Lancaster County Comprehensive Plan, addressing both public and private improvements, and providing incentives for high quality private development;
- (g) Develop and propose guidelines to protect and enhance the Capitol View Corridors;
- (h) Promote intergovernmental agreements among the state, City of Lincoln, Lancaster County, and Seward County to protect and enhance the Capitol View Corridors;
- (i) Upon enactment of guidelines and procedures by the City Council, review private and public projects for conformance with the guidelines;
- (j) Disseminate information to the public, city government, and state government concerning the special qualities of the capitol, the Capitol Environs District, and the capitol view corridors, and on the goals and decisions of the Nebraska Capitol Environs Commission;

(k) Prepare and deliver an annual report of the Nebraska Capitol Environs Commission's past actions and future goals to the Mayor and City Council of the City of Lincoln, the Governor of the State of Nebraska, and the Nebraska State Legislature;

(l) Study and offer proposals on other public and private plans and actions affecting the capitol, the Capitol Environs District, and the Capitol View Corridors, and do other acts as are mandated by this chapter. (Ord. 14949 §8; August 15, 1988).

27.56.100 Guidelines and Procedures for Review of Projects.

(a) Design Standards. The Nebraska Capitol Environs Commission shall draft Capitol Environs District Design Standards to be adopted by resolution of the City Council after review and recommendation of the Planning Commission.

Such guidelines shall include procedures for design review. Prior to submitting the guidelines, incentives and procedures to the planning commission, the Nebraska Capitol Environs Commission shall hold at least one public hearing on the proposed guidelines, notice of which shall be as specified for public hearings required under Chapters 27.57 and 27.81 of the Lincoln Municipal Code.

(b) Work Subject to Design Review. No person (including representatives of state government or any units of local government) shall carry out or cause to be carried out in the Capitol Environs District ("the District") any change in the appearance of the District for which a building permit or demolition permit is required, as specified in the Lincoln Building Code for the City, or any change regulated by the Capitol Environs Design Standards ("the Standards"), without a certificate issued by the Nebraska Capitol Environs Commission or the Commission Chair as described in Section 27.56.110. Ordinary maintenance and repair not otherwise subject to a building permit regulation or restricted by the Design Standards may be carried out without such a certificate. (Ord. 16698 §1; November 14, 1994; prior Ord. 14949 §9; August 15, 1988).

27.56.110 Procedure for Certificate.

The application for such certificate shall be filed with the Department of Building and Safety and shall be accompanied by plans for the proposed work to be done and such other information as the Director of Building and Safety shall require. The Department of Building and Safety shall review the application and plans for compliance with the existing building and zoning codes ordinances and regulations. The application and plans shall be referred to the Planning Department.

The Planning Director may recommend and the Chair of the Nebraska Capitol Environs Commission may issue a certificate of "no material effect" if the application is for minor work which is not restricted by the Standards, which has no material effect on architectural or landscape features of the District, and which is in harmony with the purposes of this ordinance. Construction of new principal buildings facing the malls or Capitol Square always has "material effect" on significant features of the District and therefore shall not be eligible for a certificate of no material effect. When a certificate of no material effect is issued, a copy of that certificate shall be transmitted to the Commission at its next public meeting.

Other applications shall be transmitted by the Planning Department to the Nebraska Capitol Environs Commission along with any recommendations of the Department of Building and Safety and the Planning Department. Within forty-five days of receipt of the application by the Department of Building and Safety, the Commission shall hold a public hearing on the application. Notice of the time, place, and purpose of such hearing shall be published by the Planning Department in a daily newspaper having general

circulation in the City of Lincoln and shall be mailed to the certificate applicant not less than eight days prior to the date of hearing. The Nebraska Capitol Environs Commission may also give such other notice as may be deemed necessary and desirable, including posting of the property affected. During the public hearing, the Commission shall receive testimony and other information on the application, and shall review the application and plans in light of the Standards. (Ord. 16698 §2; November 14, 1994).

27.56.120 Certificate; Approval or Denial.

Within thirty days of the hearing, the Nebraska Capitol Environs Commission shall approve or deny the application. The Commission may:

(a) Issue a certificate of "appropriateness" after adopting a finding that the proposed work meets the Standards and would not unduly hinder the protection, enhancement, perpetuation, and use of the Capitol Environs District;

(b) Issue a certificate of "exception on grounds of hardship" after adopting a finding that refusal to issue the certificate would create an extreme hardship on the applicant, and that the plight of the applicant is due to unique circumstances, and that the potential hardship is the result of the application of the ordinance and is not the result of any act or omission by the applicant;

(c) Refuse to issue a certificate, after adopting a finding that the application is not consistent with the purpose of this ordinance and of the Standards, and does not meet any of the above criteria.

The Nebraska Capitol Environs Commission's decision must be accompanied by written findings of fact. No change shall be made in the application for any building permit or in plans for other regulated work after issuance of a certificate by the Commission or the Commission Chair without resubmittal of the application and approval in the same manner as provided above. (Ord. 16698 §3; November 14, 1994).

27.56.130 Hazardous Structures.

The Planning Director shall issue a certificate of "allowance on grounds of hazardous conditions" for razing a structure or other work if the Department of Building and Safety has determined that failure to carry out said work poses an immediate hazard to human health and safety. However, no owner shall by deliberate acts or deliberate neglect allow a property in the Capitol Environs District to become hazardous to human health and safety with the intent of then obtaining such certificate. When a certificate of "allowance on grounds of hazardous conditions" is issued, a copy of that certificate shall be transmitted to the Nebraska Capitol Environs Commission at its next public meeting. (Ord. 16698 §4; November 14, 1994).

27.56.140 Appeal.

Any person aggrieved by any order, approval, disapproval, or other decision issued by the Nebraska Capitol Environs Commission or the Planning Director may appeal such order, approval, disapproval, or other decision to the City Council by filing a written appeal with the City Clerk within fourteen days of the date of such decision, except that governmental units may opt to appeal actions of the Nebraska Capitol Environs Commission or the Planning Director to the Nebraska Department of Administrative Services by so indicating at the time of filing the appeal with the City Clerk and by giving notice of such intent to the Building Division of the Nebraska Department of Administrative Services. Such appeal shall fully state the order, approval, disapproval, or other decision appealed from, the date thereof, and the facts of the matter. (Ord. 16698 §5; November 14, 1994).

27.56.150 Jurisdiction of the Commission Relative to Other Boards.

Applications for changes of zone, special permit, and other applications under the zoning code for property within the Capitol Environs District shall be reviewed by the Nebraska Capitol Environs Commission relative to the conformance of the application to the protection, enhancement, perpetuation, and use of the Capitol Environs District; then forwarded to the Planning Commission with a written report of the findings of the Nebraska Capitol Environs Commission. Applications reviewed by the Commission shall not be subject to review by the Historic Preservation Commission or the Urban Design Committee. However, the Nebraska Capitol Environs Commission shall defer review of applications pertaining to landmarks designated under Lincoln Municipal Code § 27.57.120 to the Historic Preservation Commission and shall accept "Certificates of Appropriateness" and "Certificates of Exception" approved by the Historic Preservation Commission as equivalent to certificates issued by the Nebraska Capitol Environs Commission. However, the "Certificate of Allowance" procedure outlined in Lincoln Municipal Code § 27.57.160 shall not pertain within the Capitol Environs District. (Ord. 16698 §6; November 14, 1994).

27.56.160 Additional Height and Area Requirements.

(a) In that portion of the Capitol Environs District south of H Street, the required front yard adjacent to South 15th Street shall be eight feet. This shall be a "build-to" line. The South 15th Street facade of buildings in that portion of the District shall be located on a line parallel to the property line on South 15th Street, and eight feet behind that property line.

(b) For new buildings constructed on property with frontage on "Capitol Square" (properties on South 14th, "K", South 16th, and "H" Streets opposite the Capitol grounds), a minimum of four stories are required, with a maximum height of fifty-seven feet.

(c) For new buildings constructed on property in the Capitol Environs District not facing Capitol Square, but facing one of the malls, an eave or cornice line at least thirty feet in height is required.

(d) For townhouses in the Capitol Environs District south of "H" Street zoned R-6 Residential District, the minimum required lot area shall be 2,000 square feet per family. (Ord. 16698 §7; November 14, 1994).